

**Notice of Allowability**

Application No.

10/518,564

Examiner

Fred H. Mull

Applicant(s)

AZUMA, TOMOHIRO

Art Unit

3662

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/23/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:

Fig. 7: Copy machine marks, computer artifact marks, and/or other marks that appear to be unintentional are present. See 37 CFR 1.84(e).

Fig. 1: Numbers, letters, and reference characters must be at least 32 cm (1/8 inch) in height. See 37 CFR 1.84(p)(3).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

On p. 1, line 19, "in" has been deleted.

On p. 2, after "part", --906, a calibration radio transmitting part-- has been added.

On p. 3, line 7. "whereby signals" has been deleted.

On p. 14, line 15, all that is after "**FIG.**" has been changed to --2;--. The examiner notes that the strikethrough of the number 4 is not easily perceived, and thus "42" may otherwise have been printed on any resulting patent instead of "2". 37 CFR 1.121.b.1.ii states: "The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived" (emphasis added). Applicant is advised to familiarize himself with the requirements of 37 CFR 1.121.

In claim 3, line 3, the word following the first instance of "reception" has been changed to --branch--.

In claim 12, line 11, the word preceding "based" has been changed to --branch--.

In claim 13, line 13, the word preceding "based" has been changed to --branch--.

The examiner notes that the strikethrough of the letters "es" is not easily perceived, and thus "branches" may otherwise have been printed on any resulting patent instead of "branch". 37 CFR 1.121.b.1.ii states: "The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived" (emphasis added). Applicant is advised to familiarize himself with the requirements of 37 CFR 1.121.

In claim 15, line 1, "trouble" has been changed to --problem--. This is analogous to the changes applicant has made in claims 5 and 10.

***Allowable Subject Matter***

3. Claim(s) 1-16 is/are allowed.

***Response to Arguments***

4. To clarify the record, the examiner notes that the rejection made in the previous Office Action should have been a 35 USC 102(b) rejection over either of family members WO 02/35648 A1 or IDS document JP 2002-135034 A, using family member US 2004/0070533 A1 as an English translation. US 2004/0070533 A1 is not itself prior art.

5. Applicant's arguments with respect to the subject matter in the above-referenced family of publications have been fully considered and are persuasive. The rejection(s) of these claims have been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred H. Mull whose telephone number is 571-272-6975. The examiner can normally be reached on Monday through Friday from approximately 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred H. Mull  
Examiner  
Art Unit 3662

/FHM/



THOMAS H. TARCZA  
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TECHNOLOGY CENTER 3600